

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NATHANIEL PHILLIPS,

Plaintiff,

v.

DOVENMUEHLE MORTGAGE, INC. and  
NEIGHBORHOOD LENDING SERVICES,  
INC.,

Defendants.

Case No. 1:17-cv-08882

Magistrate Judge: Honorable Sunil R. Harjani

JURY TRIAL DEMANDED

**JOINT STATUS REPORT**

Pursuant to this Court's order dated January 14, 2019 (DKT # 94), Plaintiff Nathaniel Phillips ("Phillips") and Defendants Dovenmuehle Mortgage, Inc. ("DMI") and Neighborhood Lending Services, Inc. ("NLS") submit the following joint initial status report.

**1. Description of Claims and Relief Sought.**

Phillips alleges that DMI and NLS violated various federal consumer protection statutes through their servicing, debt collection activities and credit reporting of Phillips' two mortgage loans. Phillips seeks damages under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601 et seq. ("RESPA"), the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS § 505/1 et seq. ("ICFA"), the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"), and the Fair Credit Reporting Act pursuant to 15 U.S.C. § 1681 et seq. ("FCRA"). Phillips has also asserted a Breach of Contract claim against NLS. While Phillips has not yet provided itemized damages, Phillips seeks actual, statutory and punitive damages, as well as attorney's fees and costs.

## **2. Referral Cases**

This case was assigned to the Honorable Ronald A. Guzman. The parties consented to proceed before the assigned Magistrate Judge for all proceedings, including trial.

## **3. Discovery Schedule**

Written discovery is nearly complete. At this point, there is one pending discovery motion filed by Phillips against DMI (Dkt. # 87). This motion has been fully briefed: DMI filed its response on December 20, 2018 (Dkt # 90), and Phillips filed his reply on January 10, 2019, after obtaining an extension from the Court (Dkt. # 93). In its Order dated January 3, 2019, the Court noted that the January 9, 2019 discovery close date may need to be extended because of the pending discovery motion (Dkt. # 91).

DMI is also seeking a copy of the settlement agreement between Phillips and Equifax. At the parties' last status hearing, the Honorable Jeffrey T. Gilbert made it clear on the record that DMI has not waived its opportunity to seek that settlement agreement. Judge Gilbert previously issued an order compelling disclosure of the settlement agreement between Phillips and Transunion (Dkt. #89). DMI and Plaintiff are working together on this issue.

Expert discovery will be required. The parties are in the process of determining the number of experts and the topics on which they will opine. No depositions have been taken but the parties intend to start taking depositions once the final written discovery issues are resolved.

## **4. Consideration of Issues Concerning ESI.**

This section is not applicable as the parties have largely completed written discovery.

## **5. Settlement**

The parties have engaged in initial settlement discussions and are still determining whether a settlement conference would be helpful at this time.

## **6. Magistrate Judge Consent**

The parties have previously consented to proceed before the Magistrate Judge.

## **7. Pending Motions**

Phillips' Motion to Compel against DMI is currently pending.

## **8. Trial**

A jury trial has been requested. The parties anticipate that the trial will last five (5) days and suggest a trial date in August 2019.

Dated: January 17, 2019

s/ Majdi Y. Hijazin  
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, states that on January 17, 2019, he caused the foregoing to be filed with the Clerk of the United States District Court for the Northern District of Illinois, and thus a copy of this pleading will be served on all counsel of record by the Clerk's ECF/CM system.

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/s/ Isaac J. Colunga